

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert A. Foth	
Serial No.: Not yet assigned	Group Art Unit: Not yet assigned
Filed: Even date herewith	Examiner: Not yet assigned
Title: APPARATUS, SYSTEMS AND METHODS FOR AQUATIC SPORTS COMMUNICATIONS	Date: July 29, 2003
Attorney Docket No.: PFOT0001/MRK	

**INFORMATION DISCLOSURE STATEMENT
37 CFR § 1.97(b)**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Section 1: Preliminary Statements:

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the manual of patent examining procedure §§ 609 and 707.05(B), enclosed is Form PTO-1449 listing references that are known to applicant. Copies of each of the listed references are enclosed. This filing is timely because it is made during one of the periods described in 37 CFR § 1.97(b).

While this Information Disclosure Statement, and the references cited in the enclosed Form PTO-1449 may be "material" pursuant to 37 CFR § 1.56, submission of this Information Disclosure Statement and citation of the references listed in the enclosed Form PTO-1449 are not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the

patent issuing for this application. Applicant also requests that an initialed copy of Form PTO-1449 be entered in the application file and returned to Applicant with the next communication from the office in accordance with MPEP §609.

Section 2. FORM 1449

A list of patents and publications is set forth on the enclosed Form PTO-1449.

Respectfully submitted,

July 29, 2003
Date

Marilyn R. Khorsandi
Marilyn R. Khorsandi
Attorney/Agent for Applicant(s)
Reg. No. 45744

Khorsandi Patent Law Group, ALC
140 S. Lake Ave., Ste. 312
Pasadena, California 91101-4710
Telephone No.: (626) 796-2856
Facsimile: (626) 796-2864

Please type a plus sign (+) inside this box →

PTO/SB/08A (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	Not yet assigned	
			Filing Date	Even date herewith	
			First Named Inventor	Robert A. Foth	
			Group Art Unit	Not yet assigned	
			Examiner Name	Unknown	
Sheet	1	of	3	Attorney Docket Number	PFOT0001/MRK

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		D. 410,987	D21/805	Lucius	6/15/1999	Throughout
		3,095,568	343/709	Aine et al	6/25/1963	Throughout
		3,103,005	340/286	Hills	9/3/1963	Throughout
		3,122,736	340/366	Weber	2/25/1964	Throughout
		4, 116,237	128/142.7	Birch	9/26/1978	Throughout
		4,456,797	179/156 R	Olse	6/26/1984	Throughout
		4,565,258	181/192	Butler et al	1/21/1986	Throughout
		4,584,718	455/351	Fuller	4/22/1986	Throughout
		4,589,134	381/90	Waldron	5/13/1986	Throughout
		4,683,587	381/25	Silverman	7/28/1987	Throughout
		4,725,253	441/130	Politte	2/16/1988	Throughout
		5,006,831	340/573	de Solminihac	4/9/1991	Throughout
		5,029,293	340/573	Fontanille	7/2/1991	Throughout
		5,144,285	340/573	Gore	9/1/1992	Throughout
		5,234,144	224/191	Iler	8/10/1993	Throughout
		5,251,326	455/40	Silverman	10/5/1993	Throughout
		5,326,297	441/89	Loughlin	7/5/1994	Throughout
		5,455,842	375/175	Mersky et al	10/3/1995	Throughout
		5,579,284	367/132	May	11/26/1996	Throughout
		5,701,355	381/169	Brannan et al	12/23/1997	Throughout
		5,710,989	455/100	Flood	1/20/1998	Throughout
		5,860,842	441/80	Parr	1/19/1999	Throughout
		5,884,198	455/575	Kese et al	3/16/1999	Throughout
		6,061,457	381/111	Stockhamer	5/9/2000	Throughout
		6,183,328 B1	441/89	Marshall	2/6/2001	Throughout
		6,206,000 B1	128/201.27	Folsom	3/27/2001	Throughout

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Custom Protect Ear, Internet http://www.protectear.com/ca11.se1.html , printed from the Internet 2/14/2002, 6 pages	
		Custom Protect Ear, Internet http://www.protectear.com/ca4.se2.ap5.html , printed from the Internet 2/14/2002, 2 pages	
		WALKER'S, Target Ear and Target Ear II w/AFT, Product Summary, Internet http://www.walkersgameear.com/targetea.htm , printed from the Internet 2/14/2002, 4 pages	
		Foster Headphones & Headsets, Foster Culver Headsets, Internet http://www.fosterculver.com/hdstp.htm , printed from the Internet 3/9/2002, 3 pages	
		Micro Acoustic Transducers ("MAT"), Foster Culver Microspeakers, Internet http://www.foster-culver.com/matp.htm , printed from the Internet 3/29/2002, 5 pages	
		OTTO Low Profile Earphone Kits, Internet http://www.botactactical.com/otlowprofear.html , printed from the Internet 3/29/2002, 5 pages	
		Audio Products: Throat Microphones, Internet http://www.prymebattery.com/audio/throatmic.asp , printed from the Internet 10/26/2001, 1 page	
		PRYME Radio Products, Internet http://www.adi-radio.com/company/contact/Default.htm , printed from the Internet 10/26/2001, 1 page	
		HOLM CO, Holmberg GmbH & Co. KG, ELEKTROAKUSTIK, Dynamic Throat Microphone, Series 71-02-, Internet http://www.holmco.de , printed in Germany 03/01, 1 page	
		EARMARK, Earmark Microphones, Earmark, Inc., Hamden, CT, Internet http://www.earmark.com/microphones.htm , printed from the Internet 10/26/2001, 1 page	
		MICROPHONES, Internet http://www.luminaud.com/microphones.htm , printed from the Internet 10/26/2001, 5 pages	
		SPECIAL ELECTRONICS & DESIGNS, Throat Microphones, Internet http://www.sed01.com/throatmic.shtml , printed from the Internet 10/26/2001, 2 pages	
		SPECIAL ELECTRONICS & DESIGNS, Standard Products, Internet http://www.sed01.com/contacts.shtml , Special Electronics & Designs, Canada, printed from the Internet 10/26/2001, 2 pages	
		Welcome to the ears online shop, EARS plc online shop, Internet http://www.ears.plc.uk , printed from the Internet 10/26/2001, 1 page	
		Tactical Command Industries, Inc., Antioch, CA, Internet http://www.merchantmanager.com , printed from the Internet 10/26/2001, 1 page	
		GENESYS Throat Mic Up Close, Internet http://www.connecti.com , printed from the Internet 10/26/2001, 1 page	
		PILOT COMMUNICATIONS, Microphones - Electret and Dynamic, PILOT AVIONICS/PILOT COMMUNICATIONS, Internet http://www1.drive.net , printed from the Internet 10/26/2001, 2 pages	
		BACK, ears audio accessories, Internet http://www.ears.plc.uk , printed from the Internet 10/26/2001, 1 page	
		Motorola - CGISS - Accessories & Aftermarket Division, Audio Accessories, Internet http://ap.cgiss.motorola.com , Motorola Inc., printed from the Internet 10/26/2001, 4 pages	
		Communication Accessories for Two-Way Radios, Throat Microphone, Internet http://www.ceotronicsusa.com , printed from the Internet 10/26/2001, 2 pages	
		NFS-RPS, We Build solutions..., Internet http://www.nfsrps.com , printed from the Internet 10/26/2001, 1 page	
		Panzerheadsets, Internet http://www.german-militaria.com , printed from the Internet 10/26/2001, 6 pages	
		The Sea Com Water Sport Communicator is the Official "On Water Communication", Internet http://www.collett.mb.ca , Collett Electronics, printed from the Internet 3/27/2002, 10 pages	
		OFF-ROAD.COM'S, Internet http://www.off-road.com , printed from the Internet 3/28/2002, OFF-ROAD.COM, 4 pages	
		SNOWMOBILE ONLINE @Off-Road.com, Internet http://www.off-road.com , Offroad.com, printed from the Internet 3/28/2002, 5 pages	
		Rider-to-Rider Stereo Communicator with Cellular Phone Input, 13 pages	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		LOCKHART, DON, Equipment Review, November 11, 2000, HJC CHATTERBOX FRS Helmet Communicator, 2 pages	
		KRICERI, ANDREW, AAC Info and White Papers, Internet http://www.arc-rerc.com , RadioEar Corporation, New Eagle, PA, printed from the Internet 2/9/2003, 3 pages	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.